

# Feature Section

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## -- Facts Concerning the Liquor Situation in Maine --

By CHARLES EDSON OWEN, in The National Magazine.

During a recent interview at the state capital Governor B. M. Fernald handed a letter to the writer. "These letters," said Governor Fernald, "are letters of inquiry selected from a large number upon the same subject. They are from men of prominence in public life, one from a college president, one from a governor of a great State, two from lawyers, three from legislators and several from clergymen. These letters," continued the governor, "are generally confused and disturbed by statements about conditions in the State as related to the prohibition law. I would like to have you write for me an answer long and broad enough to give these men and others the information they need." The task was undertaken. To frame a composite answer to a dozen letters, seeking from different standpoints information upon various phases of a subject, and that a vexed and complicated one, was not the work of a day or a week. Governor Fernald's approval of the work is attested by the presence of the letter herewith: Waterville, Maine, Feb. 25, 1910.

Dear Sir:—Your courteous letter of recent date calls attention to numerous questions and comparisons in circulation relating to criminal conditions in our State. Statistics indicating that drunkenness and crime are on the increase and comparisons creditable to the prohibition law are cited.

It is a curious thing that the value of the law in the balance. Unless these statistics can be denied or explained in evidence in prohibition must be abandoned.

It is the way our correspondents usually put the matter up to us. But a crop of statistics appears with every mood, and new comparisons are usually coming in. Dealing with statistics and comparisons, therefore, is a tedious task, and besides disproving alleged facts does not vindicate the law admitting them, condemn the law. A knowledge of other important facts and conditions is necessary before any sound conclusion can be reached as to the real causes of the conditions alleged about.

A newspaper in Oregon published the criminal record of a certain city in Maine, showing that the arrests for drunkenness had increased fifty per cent in three years. Comparing this with that of a license city of about the same size, prohibition was made to appear a very dangerous proposition. Radical prohibitionists were sorely grieved and license advocates were gloriously elated. In this piece of false logic, the important facts absolutely necessary in order to reach any safe conclusion were wanting.

Our correspondents will be best served

ed by putting before them such important facts and experiences as will enable them to intelligently interpret the significance of many succeeding bulletins of "startling statements and comparisons" as they appear.

But first let me give you the barest outline of the history of the law and the provisions for its enforcement.

The statutes of Maine have made it unlawful to manufacture or sell intoxicating liquors, for beverage purposes, since 1851, except for two years, 1856 and 1857, when the state again licensed the traffic. In 1884 prohibition was placed in the constitution by a vote of 70,630 in favor and 23,658 against it.

The responsibility for the enforcement of the law rests first upon the local officials in each of the twenty cities and five hundred and one towns; next, upon the sheriffs, county attorneys and courts of the sixteen counties of the State. In case the enforcement of the prohibitory law is neglected by both the municipal and county officers the governor, as chief executive, is authorized to appoint an enforcement commission to administer the law in any negligent sections, the expense of such enforcement by the State being borne by the county in which the service is rendered. Thus the ultimate responsibility is lodged with the State.

The effectiveness of the law during its early history is not in question. That it was satisfactory to the people of Maine as late as 1884 is abundantly attested by a popular vote of three to one placing it in the constitution.

About five years after the adoption of the constitutional amendment wood pulp was adopted for paper-making, and Maine experienced a great industrial awakening. Two-thirds of her 31,500 square miles area was forest. Immense pulp and paper plants in great numbers, some of the largest in the world, were erected.

This new industry created at once a demand for railroad facilities, and within the last twenty years more than eleven hundred miles, equal to nearly four times the entire length of the State, have been built, and over four hundred miles of electric railway have been constructed.

Now this industrial revival, this building of pulp and paper mills, railroads, power plants for the electric systems, and cutting and driving such immense quantities of lumber meant the introduction into Maine of thousands of laborers. They were mostly men of the Saxon race, strong, vigorous, with red blood in their veins. These homeless men of strong passions in such numbers were a new source of temptation to the towns or cities near which their work called them.

Bangor has been quoted everywhere as the most conspicuous example of the failure of prohibition to prohibit. Bangor is the natural headquarters of great lumbering interests, and the number of men who annually go through Bangor

on their way to and from the woods, railroads and pulp mills, far exceeds its population. In Bangor, their base of supplies, they plan to spend from three to six weeks of "vacation time," and they seek such "entertainment" as their early education and their "tastes" require.

Responding to this demand, law-defying men made a business of trading upon the appetites and passions of these transient visitors. This came to be the regular occupation of a small but desperately persistent gang in Bangor and vicinity. The extent and character of their business can better be imagined than described. Drunkenness and disorder increased inevitably.

This condition of things, not vigorously handled at the start by the constituted authorities, put same substantial citizens, business men and even some ministers, in a critical attitude toward the law. Many frankly said: "While prohibition may be satisfactory in the towns and smaller cities under ordinary conditions, it does not work satisfactorily in Bangor." Certainly prohibition did not work in Bangor. No one worked it. Local officials, city and county, and even some judges of the court supposed that local sentiment was strongly against prohibition. They therefore conceived "a plan" by which "dealers" in Bangor were "regulated" and tacitly allowed to sell liquors, fines being imposed at stated intervals.

In this famous "Bangor plan" there was absolutely no attempt at prohibition. It was "regulation" pure and simple; and yet its results have been exploited throughout the country by the advocates of the license system as a fair sample of what prohibition will do. Would it not be a marvel if under such conditions arrests for drunkenness and other crimes did not rapidly increase, and especially among non-resident laborers? Bangor's police courts faithfully record this increase, and show that, for the year ending March 31, 1909, seventy per cent of the arrests were non-resident. Bangor's experience has been repeated in modified form in other sections of the State.

But these laborers are not the only invading army which has entered Maine. At the time prohibition was adopted Maine was comparatively isolated, was, and still is, essentially rural. More than two-thirds of its permanent population live in towns of less than five thousand inhabitants. The largest of its twenty cities is Portland, with about sixty thousand inhabitants. Two generations ago Maine's vast stretch of seacoast, measuring three thousand miles and punctuated with hundreds of beautiful islands, was very thinly peopled by farmers, fishermen and quarrymen. Now this picturesque and rock-bound coast has been transformed into a veritable summer paradise, peopled by scores of thousands of visitors from other States. Magic cities spring into being each summertime upon our islands

and along our coast. Within the past year the bureau of industrial and labor statistics has investigated the value of property owned and occupied for vacation purposes by people outside the State and has reported that summer homes and hotels representing, with their furnishings, over thirty millions of dollars are the property of non-residents within our State. In Bar Harbor alone the homes of summer residents are assessed at \$3,400,000.

Moreover, it must be remembered that at least two hundred thousand people annually visit the inland lakes and country hillside where they have established summer residences. Would it be strange if the annual coming of these visitors, four hundred thousand strong, the major part of them doubtless from license communities—would it be strange if their mingling with the people of Maine should break down prohibition sentiment? In the beginning of this summer invasion it was feared that the temperance interests of the State would suffer demoralization. Some mischief was done and gaily reported, but that period is passed. It is confidently asserted that, as a rule, these summer guests are best suited where the saloon is entirely excluded. We are assured that the summer residents of Bar Harbor are in entire accord with the local officers in the strict enforcement of the prohibitory law. The largest and best summer hotels, catering to the best class of people from all sections, have little temptation to violate the provisions of the prohibitory law. These people come to Maine for rest, comfort and recuperation, and find these in their perfection where the saloon influence is absent.

But Maine experienced a political backsliding as well as an industrial revival. After the adoption of constitutional prohibition in 1884 political interest seized the busiest, brainiest and best citizens in the State. With prohibition enshrined in the fundamental law it was vainly expected that the end of all effort to overthrow the law had been reached. It was taken for granted that all officials would observe their sacred oath to enforce it. The importance of the careful selection of candidates for officers to administer the law was overlooked by the intelligent and well-meaning citizens and as promptly recognized by those whose business the law interfered with. As a result in some sections of the State the police power quietly slipped into the hands of the enemies of prohibition, its friends in many instances innocently contributing their votes. The political inertness of the best citizens, uniting with the political alertness of the worst, greatly reduced the effectiveness of the law.

This result was considerably augmented by a serious defect in the enforcement machinery itself. State authority to make laws is necessarily accompanied by State responsibility for the enforcement of these laws. For many years, however, after the appointment and control of the sheriffs were taken from the governor the connection of State authority with the enforcement of law in the several counties was broken. The governor, as chief executive of the State, was, to use a mechanic's phrase, "strapped to a loose pulley," being absolutely without power to interfere with the independent control of enforcement by each county, city or town. The State's policy was distinctly declared in its constitution and statutes, but by this singular defect the enforcement of the State policy was left optional with each county.

This defect has been remedied: First by the Sturgeis law of 1905, giving the governor as chief executive of the State

the authority to appoint, when necessary, an enforcement commission to enforce the law of the State in any county where local officials refused or neglected to do so; and second, by the statute of 1909, giving the governor power to remove delinquent county attorneys and to appoint others in their places. "Illegal county option," which the citizens of the State as a whole had no idea of endorsing, has thus become a thing of the past. Each and every county must now enforce the State law, or pay the costs of having it done by State officials. We wish to warn our correspondents, however, that "alarming statistics" are still in circulation based, not upon facts drawn from the vast sections of the State where the law has been normally effective, but upon statements drawn from those places where, through defective enforcement machinery and bad citizenship, the law was temporarily outraged.

Federal interference is now our most serious handicap. If the State had exclusive police control of the liquor traffic within its borders it would be manifestly fair to credit the Maine law with all the beneficial effects and to charge to its account all failures and shortcomings. But the State of Maine is very far from having full police control of the traffic within her borders.

The United States mail is freely used by the liquor dealers of other States in soliciting orders from practically every voter and from many boys. The federal interstate commerce law protects the delivery of every order against seizure by any officials within the State. The liquor dealers of Boston boast of having built up an enormous mail order and express business in Maine, and a number of wholesalers have combined and, invoking federal laws, have instituted legal proceedings against our sheriffs to restrain them from doing what the law of the State authorizes and requires them to do in the suppression of the liquor traffic. The results of the mail order and express business can not be justly charged to the prohibitory law. It will not be regarded as an unreasonable estimate that at least seventy-five per cent of all the arrests and commitments for drunkenness and crime and of all other evils arising from the use of intoxicating liquors in Maine for the past year are justly chargeable to the licensed liquor trade of other States projected into Maine by the mail order and express business under the protection of the federal government.

Let it be distinctly understood, however, that there is no disposition on the part of the intelligent and law-abiding citizens of Maine to surrender the prohibitory policy or relax its enforcement on this account. The State is defending, by her attorney-general, the sheriffs of Maine in the suit brought by the wholesale liquor dealers under the federal statute. Prohibition is the settled policy of the intelligent citizenship of Maine. After a half century of experience the people believe in prohibition as sane in method and right in principle and therefore capable of securing valuable results for the general well-being and betterment of the whole people. Business and professional men of all political faiths as well as men and women organized for distinctly moral and religious progress are more universally in accord with the prohibitory policy than ever before in the history of the State.

The nature of the commodity, and its well-known evil effects, forbids that the state, as a protector of the home

and society, should take any other than a prohibitive attitude toward the liquor traffic. The sense of the absolute righteousness of the policy laying hold of the conscience of the fathers and mothers has sustained the law through its hard experiences. A native faith in the ultimate triumph of a right policy, because it is right, accounts for the persistence of prohibition in Maine. And this faith is one of the grandest moral assets of the state or nation. It was this faith to which Lincoln appealed in the nation's crisis when on February 27, 1860, in Cooper Union, he closed his immortal address with these words, "Let us have faith that right makes might and in that faith let us to the end dare to do our duty as we understand it."

You have heard that our law makes hypocrites. No law makes hypocrites. It simply reveals the ready-made article. The quality of Maine manhood and womanhood is not questioned by an intelligent public. "Maine's best crop is men," is a proverb accepted from ocean to ocean.

The traffic is helpless as compared with its dominating strength under the protective system. We have no wealthy, liquor-enriched aristocracy. Three years ago it was officially stated of Missouri that three and one-half times as much money was invested in her liquor interests as in the railroads of the state. In Maine the liquor industry as such represents no capital worth mentioning. The entire plant and paraphernalia of the whole illicit trade of Maine would not equal in value one-thousandth part of the money invested in her railroads.

If it were possible, the outlawed traffic would be an important factor in the political affairs of the State. No element is more alert and watchful of opportunities. To hold the balance of power and to get control of the administration of the law has always been its chief aim. To openly and defiantly dictate policies and control the administration of government, name candidates and carry elections is scarcely within the range of possibility under the prohibitory policy as we know it in Maine.

It has no social standing. The man of high degree socially is brought low when caught in illicit liquor trade. The proprietor of a fashionable hotel or drugstore serves his sentence, in jail for violating the liquor law just as any other criminal would do.

From the economic standpoint Maine certainly has not suffered on account of her policy. One-half of the people of the state live in their own homes, pay their taxes, educate their children and have comfortable bank accounts.

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